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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,781	12/05/2003	Xiongxin Ying	8385/91095 (031283-US)	3392
24628	7590	01/24/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LUONG, VINH	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,781	Applicant(s) YING, XIONGXIN
	Examiner Vinh T Luong	Art Unit 3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input checked="" type="checkbox"/> Other: <u>Attachment</u></p> |
|---|---|

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1. The Preliminary Amendment filed on December 5, 2003 has been entered.
2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract:

(a) exceeds 150 words;

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(b) uses the implied phrase such as “[t]he present utility discloses . . .”; and

(c) refers to purported merits or speculative applications of the invention as seen in the last sentence.

Correction is required. See MPEP § 608.01(b).

5. The drawings are objected to because:

(a) each part of the invention such as the handlebar in claim 1 should be designated by a referential numeral or character;

(b) the various parts in Fig. 1 should be embraced by a bracket in order to show their relationship;

(c) the figures are inconsistent with each other, e.g., Fig. 1 shows that the fork 16 is oriented horizontally, however, Fig. 2 shows that the fork 16 is oriented vertically; and

(d) the figures are inconsistent with the claims, e.g., claim 1 recites “a tube (2) extending vertically from handlebar with an end (13),” however, Fig. 1 shows that the tube 2 extends horizontally.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. The replacement sheet(s) must be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed feature(s) such as the handlebar must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

7. The disclosure is objected to because of the following informalities:

(a) each part of the invention such as the handlebar in claim 1 should be designated by a referential numeral or character; and

(b) the disclosure contains grammatical and/or typographical errors. For example, "electrobicyclc" in line 7 on page 1 of the specification should have been "electrobicycle."

Appropriate correction is required.

8. Claims 1-7 are objected to because of the following informalities: (a) no antecedent basis is seen for the terms such as "they" and "it" in claim 1; and (b) the claims contain grammatical and/or typographical errors, e.g., "handlebar" in line 1 of claim 1 should have been "a handlebar." Appropriate correction is required.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear:

(a) whether a confusing variety of terms such as “a lug bolt” and “lug bolt” and “a hole” and “hole” in claim 1 refers to the same or different things. See MPEP 608.01(o); and

(b) whether the term that appears at least twice such as “a hole” in claim 1 refers to the same or different things. Applicant is respectfully urged to distinguish different holes by numerical order such as “a first hole,” “a second hole,” etc.

The recitation such as “the perpendicular direction” in claim 1 is indefinite since it is unclear the hole 20 is perpendicular relative to which/what element.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 6, and 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Pan (US Patent No. 5,492,350).

Regarding claim 1, Pan teaches an overturning and folding device for a handlebar, comprising a tube (11) extending vertically from handlebar with an end (at 10 in Fig. 5. See Attachment, a connecting member (2, 3) next to the end (Att.), an eccentric axle (5) and a lug bolt (4), a hole (Att.) in the axial direction and a hole (Att.) in the perpendicular direction are formed at the end (Att.) of said tube (11), they communicate with each other, said connecting

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member (2, 3) is engaged to a fork (12) of a bicycle, it defines a space (defined by side plates 27. See Att.) through which the lug bolt (4) can rotate from axial position (Fig. 7) to perpendicular position (Fig. 5), the lug bolt (4) is fixed within said hole (Att.) and space (Att.) by a fastener (5), said eccentric axle (5) is fitted rotatably in the hole (Att.) and a hole (41) on a head of the lug bolt (4).

Regarding claim 2, a protrusion (Fig. 7. See Att.) on the end (Att.) is provided to match a recess (221) formed in corresponding position of said connecting member (2, 3);

Regarding claim 6, said eccentric axle (5) is connected to a lever (62, Fig. 10).

Regarding claim 7, said fastener (5) is a nut.

13. Claims 3-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chou (eccentric axle 40 in Fig. 4), Yang (eccentric axle 200, 300), Fan (Fig. 11), and Kusuki (Fig. 6).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 703-308-3221. The examiner can normally be reached on Tuesday - Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

January 21, 2005



Vinh T. Luong
Primary Examiner